

Date: March 24, 2004
W.I.: 1231 and 1232
Referred by: Operations Committee
Revised: 04/25/07-SAFE
Revised: 06/23/10-SAFE

ABSTRACT

SAFE Resolution No. 44, Revised

SAFE Resolution No. 9, Revised, delegated signature authority to the Executive Director of the Authority, Deputy Executive Director, or a designee of the Executive Director, to enter into certain specified contracts and funding agreements.

This resolution revises the signature authority delegated to the Executive Director of the Authority, or to the Deputy Director if authorized by the Executive Director, to increase the threshold amounts to enter into certain contracts and funding agreements without Operations Committee approval.

This resolution supersedes Resolution No. 9, Revised.

Attachment A of this resolution was revised on April 25, 2007 to delegate signature authority to the Executive Director of the Authority or to the Deputy Director or other designee, if authorized by the Executive Director, to execute contract amendments that in total do not exceed the dollar value of a contract allotment approved by the Operations Committee. In addition, clarifying changes were made to this resolution to reflect the SAFE's current staffing organization.

Attachment A of this resolution was revised on June 23, 2010 to modify and clarify the delegation of signature authority.

Date: March 24, 2004
W.I.: 1231 and 1232
Referred by: SAFE Operations

RE: Delegation of Contracting Authority, without Oversight Committee approval, to the Executive Director of the Authority

METROPOLITAN TRANSPORTATION COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

Resolution No. 44

WHEREAS, SAFE Resolution No. 1 established a Metropolitan Transportation Commission Service Authority for Freeway Emergencies ("MTC SAFE" or "SAFE"), pursuant to Streets and Highways Code Sections 2550 *et seq.*; and

WHEREAS, the MTC SAFE has appointed an Executive Director who, subject to the direction of the SAFE, has charge of administering the affairs of the SAFE; and

WHEREAS, pursuant to the Executive Director's duties in administering the affairs of the Authority, the Executive Director, among other things, enters into contracts and purchase orders for goods and services necessary to carry out the statutory purposes of the Authority and funding agreements with other public agencies for the distribution and receipt of funds; and

WHEREAS, funds for the purchase of goods and services by purchase order and contract are programmed by the MTC SAFE with the adoption of the annual budget for each fiscal year; and

WHEREAS, in order to efficiently administer such purchase orders, contracts and funding agreements, the Authority authorized the Executive Director to execute certain agreements without prior approval by the Oversight Committee under SAFE Resolution No. 9, Revised; and

WHEREAS, the Authority wishes to revise the delegations authorized under SAFE Resolution No. 9, Revised; now, therefore, be it

RESOLVED, that the Executive Director, or the Deputy Director, or a designee of the Executive Director, is hereby authorized and directed to sign purchase orders, contract documents and funding agreements, as indicated on Attachment A; and, be it further

RESOLVED, that any action taken by the Executive Director (or the Deputy Director or designee, as applicable), shall be reported to the Operations Committee as part of the regular financial reporting procedure; and, be it further

RESOLVED, SAFE Resolution No. 9, Revised is hereby superseded with the approval of this Resolution.

METROPOLITAN TRANSPORTATION COMMISSION
SERVICE AUTHORITY FOR FREEWAY EMERGENCIES

Steve Kinsey, Chair

The above resolution was entered
into by the MTC SAFE
at a regular meeting of the Authority
held in Oakland, California, on
March 24, 2004.

Date: March 24, 2004
W.I.: 1231 and 1232
Referred by: Operations Committee
Revised: 04/25/07-SAFE
Revised: 06/23/10-SAFE

Attachment A
SAFE Resolution No. 44
Page 1 of 2

1. References to “contracts” in this Attachment refer also to “purchase orders”.
2. The Executive Director, designated Deputy Executive Director or other designee if authorized by the Executive Director, is hereby authorized to sign contracts and/or amendments to contracts totaling purchase orders in amounts not to exceed \$100,000 each, without referral to a standing the Oversight Committee of the Authority with contract approval authority, provided the things to be purchased or the work to be done are included in the annual budget approved by the Authority. This delegated authority is renewed for any single contract each time the appropriate Committee approves a new total contract amount. ~~The Executive Director may designate an MTC Section Director to sign purchase orders for the purchase of goods and services or revisions to such purchase orders up to \$10,000.~~
3. The Executive Director may authorize MTC Section Directors to sign contracts and/or amendments to such contracts with a total contract value up to \$25,000 cumulatively. ~~The Executive Director, Deputy Director or other designee, if authorized by the Executive Director, is authorized to sign contract amendments in cumulative amounts up to 10% of the original contract price or \$25,000, whichever is greater, not to exceed \$100,000, without referral to the Oversight Committee, provided the things to be purchased or the work to be done are included in the annual budget approved by the Authority.~~
4. Where an Authority the Oversight Committee with contract approval authority has approved a contract allotment in addition to the original contract amount to cover changes that may be required during the performance period, the Executive Director, a designated Deputy Executive Director or other designee, if authorized by the Executive Director, is authorized to sign change orders and contract amendments that in total do not exceed the approved contract allotment, without further referral to the ~~Oversight~~ appropriate authorizing Committee.
5. The Executive Director, designated Deputy Executive Director or other designee, if authorized by the Executive Director, is authorized to sign funding agreements and

Date: March 24, 2004
W.I.: 1231 and 1232
Referred by: Operations Committee
Revised: 04/25/07-SAFE

Attachment A
SAFE Resolution No. 44
Page 2 of 2

amendments to funding agreements included in the annual budget approved by the Authority authorizing MTC to receive funds from other public agencies and to distribute funds to other public agencies without referral to the appropriate authorizing Oversight Committee and without regard to dollar amount, provided, with respect to distribution of funds, that the recipients are named in the adopted annual budget. Funding agreements distributing funds to recipients not so named are subject to the delegation authority for contracts, purchase orders, and amendments in paragraphs one, two and three of this Attachment

6. The Executive Director is hereby authorized to waive competitive procurement requirements for emergency contracts and purchase orders, with the approval of the Authority Chair, or in his/her absence, the Vice Chair, provided that funds for the contract or purchase order are available in the adopted agency budget. "Emergency" contract is defined as a contract necessary to deal with Acts of God or other threats to public safety or well-being when the delay caused by waiting for the next meeting of the Committee or Authority would increase that threat. Any contract or purchase order in excess of \$100,000 shall be ratified by the ~~Oversight~~ appropriate authorizing Committee or Authority at the next regular meeting.